



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,313	10/23/2001	Steven J. Wojcik	KCX-435 (16066)	9842

7590

03/07/2003

John E. Vick, Jr.  
Dority & Manning  
Attorneys at Law, P.A.  
P.O. Box 1449  
Greenville, SC 29602

EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,313

Applicant(s)

WOJCIK ET AL.

Examiner

William A Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: page 11, line 14, it appears that the numeral "62", after the phrase "chopper blade", should be replaced with the numeral --82--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> Paragraph***

Claims 2, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is vague and indefinite. On line 2, the phrase "the bedroll being capable of rotating" is unclear. Does the bedroll rotate or not? If so, it should be positively set forth in the claim.

Claim 12 is vague and indefinite. On line 7, the phrase "an assembly capable of severing a web" is unclear. Does the assembly sever the web or not? If so, it should be positively set forth in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3654

Claims 1-9, 12-17, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ba Dour, Jr. et al (U.S. Patent No. 6,179,241).

With respect to Claims 1-9, 12-17, 20 and 25, Ba Dour, Jr. et al, Figures 1-8, teach a device for severing and carrying a web in a web winding operation, comprising:

a first and second blade, the blades operably connected and spaced apart a predetermined distance to form a gap, the gap is sized to receive a severing mechanism; and a unitary elongated mandrel connected to at least the first blade comprising a plurality of spaced pins.

With respect to Claim 25, the method described in these claims would inherently result from the use of device of Ba Dour, Jr. et al as advanced above.

Claims 1-9, 12-17, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nystrand et al (U.S. Patent No. Re. 28,353).

Claims 1-9, 12-17, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersson (U.S. Patent No. 3,505,150).

Claims 1-9, 12-17, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Heuff et al (U.S. Patent No. 3,567,552).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 18, 19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ba Dour, Jr. et al as applied to claims 1-9, 12-17, 20 and 25 above.

Art Unit: 3654

With respect to Claims 10, 11, 18, and 19, Ba Dour, Jr. et al do not mention the spacing of the blades. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the distance of the blades of Ba Dour, Jr. et al as specified in Claims 10, 11, 18, and 19, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claims 21, 22, 23, and 24, Ba Dour, Jr. et al do not mention the number of pins used. However, it would have been an obvious matter of design choice to provide Ba Dour, Jr. et al with the necessary of pins as specified in Claims 21, 22, 23, and 24, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

Telephone status inquiries regarding this application should be directed to (703) 308-1113. **Facsimile correspondence** for this application should be sent to the following respective numbers:

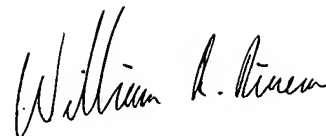
Application/Control Number: 10/040,313

Page 5

Art Unit: 3654

For **BEFORE FINAL** correspondence: (703) 872-9326

For **AFTER FINAL** correspondence: (703) 872-9327

A handwritten signature in cursive script, appearing to read "William A. Rivera".

**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**

March 3, 2003